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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,386	11/13/2001	Philip J. Christian	476-2063	5418
23644	7590	07/15/2005	EXAMINER	
BARNES & THORNBURG P.O. BOX 2786 CHICAGO, IL 60690-2786			LESNIEWSKI, VICTOR D	
			ART UNIT	PAPER NUMBER
			2152	

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/991,386	Applicant(s) CHRISTIAN ET AL.	
	Examiner Victor Lesniewski	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |




DETAILED ACTION

1. The amendment filed 4/25/2005 has been placed of record in the file.
2. Claims 1, 12, 15, 19, and 20 have been amended.
3. The objections to claims 19 and 20 are withdrawn in view of the amendment.
4. Claims 17 and 18 have been canceled.
5. Claims 1-16, 19, and 20 are now pending.
6. The applicant's arguments with respect to claims 1-16, 19, and 20 have been considered but are moot in view of the following new grounds of rejection.

Response to Amendment

7. Claims have been amended to show that IP addresses are allocated to provide a node with a unique IP address at which it may be contacted. The amendment proves a change in scope to the independent claims as the independent claims now explicitly recite IP addresses allocated to provide the first node with a unique IP address at which the first node may be contacted. However, none of the amended claims show a patentable distinction over the prior art as evidenced by the following new grounds of rejection.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-16, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rekhter (U.S. Patent Number 5,917,820) in view of Wong et al. (U.S. Patent Number 6,073,178), hereinafter referred to as Wong.

10. Rekhter disclosed a packet forwarding technique that uses router-unique tags as indices into a tag database, wherein the tags in the database include various address information such as IP addresses. In an analogous art, Wong disclosed a method for assigning IP addresses that uses a router to monitor the assignments.

11. Concerning the independent claims, Rekhter did not explicitly state allocating an IP address to provide the first node with a unique IP address at which the first node may be contacted. Although Rekhter's system accesses information about various IP addresses, it does not explicitly complete the allocation step as presented in the amended independent claims. However, IP address allocation was well known in the art in various forms. This is evidenced by Wong's system which allocates available IP addresses and tracks the assignment of IP addresses using a router. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Rekhter by adding the ability to allocate an IP address to provide the first node with a unique IP address at which the first node may be contacted as provided by Wong. Here the combination satisfies the need for the greater reliability of IP addresses in a packet routing system. See Wong, column 2, lines 13-36.

12. Some claims will be discussed together. Those claims which are essentially the same except that they set forth the claimed invention as a server, a communications network node, or an IS-IS communications network are rejected under the same rationale applied to the described claim.

13. Thereby, the combination of Rekhter and Wong discloses:

- <Claims 1, 12, 15, 19, and 20>

A method of automatically allocating a unique internet protocol (IP) address to a first node in an integrated intermediate-system-to-intermediate-system (IS-IS) communications network said method comprising the steps of:- (i) accessing information about one or more potentially available IP addresses which may be allocated to provide the first node with a unique IP address at which the first node may be contacted (Rekhter, column 9, lines 10-42 and column 10, lines 60-66 and Wong, column 3, lines 22-40); (ii) selecting one of the potentially available IP addresses to allocate to the first node (Rekhter, column 12, lines 4-14 and Wong, column 3, lines 1-11); and (iii) sending information about the selected IP address to nodes in the IS-IS communications network (Rekhter, column 12, lines 20-28).

- <Claims 2 and 13>

A method as claimed in claim 1 wherein said information is sent using a flooding method comprising the use of link state PDUS (LSPs) (Rekhter, column 11, lines 38-45).

- <Claim 3>

A method as claimed in claim 2 wherein said information is sent using LSP extensions (Rekhter, column 11, line 59 through column 12, line 3).

- <Claims 4 and 14>

A method as claimed in claim 1 wherein said information is sent using a flooding method comprising an adaptation of the connectionless network service (CLNS) protocol (Rekhter, column 4, lines 16-32).

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- <Claim 5>

A method as claimed in claim 1 wherein said step (i) of accessing information comprises accessing a server connected to the communications network (Rekhter, column 7, line 65 through column 8, line 29).

- <Claim 6>

A method as claimed in claim 5 wherein said information is sent using LSPs with anomalous sequence numbers (Rekhter, column 10, lines 24-25).

- <Claim 7>

A method as claimed in claim 1 wherein said step (i) of accessing information comprises accessing the first node which has pre-specified information about one or more potentially available IP addresses (Rekhter, column 7, line 65 through column 8, line 29).

- <Claim 8>

A method as claimed in claim 7 wherein said step (ii) further comprises receiving information at the first node about the IP addresses of other nodes in the communications network, and selecting one of the potentially available IP addresses on the basis of the received information (Rekhter, column 12, lines 4-14).

- <Claim 9>

A method as claimed in claim 8 wherein said information is received during a specified duration (Rekhter, column 12, lines 15-20).

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- <Claim 10>

A method as claimed in claim 1 which further comprises using said selected IP address to access the first node using an Internet Protocol management system (Rekhter, column 3, lines 24-29).

- <Claims 11 and 16>

A method as claimed in claim 1 wherein said first node is selected from an intermediate system, a router and an optical multiplexer with integral router (Rekhter, column 7, lines 10-17).

Since the combination of Rekhter and Wong discloses all of the above limitations, claims 1-16, 19, and 20 are rejected.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

- Woundy (U.S. Patent Number 6,009,103) disclosed a system for automatically allocating network resources such as IP addresses to control access to a network.
- Sitaraman et al. (U.S. Patent Number 6,427,170) disclosed a method for managing dynamic IP address allocation in a data communications network.


15. The applicant's amendment necessitated the new grounds of rejection presented in this office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). The applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Victor Lesniewski
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Dung C. Dinh
Primary Examiner